

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

AUSA: Susan Fairchild

BPA Michael Everson

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Patel PEROTE-MACLOUS

Case: 2:23-mj-30386
Case No. Assigned To : Unassigned
Assign. Date : 9/25/2023
USA V. PEROTE-MACLOUS (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 9, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326(a)(1)	Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:


On or about September 9, 2023, in the Eastern District of Michigan, Southern Division, Patel PEROTE-MACLOUS, an alien from Guatemala was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about June 21, 1999, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: September 25, 2023

City and state: Detroit, MI


Complainant's signature

Michael Everson, BPA

Printed name and title


Judge's signature

Kimberly Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Patel PEROTE-MACLOUS which reveals the following:
2. PEROTE-MACLOUS is a forty-one-year-old male, native and citizen of Guatemala, who last entered the United States at or near Detroit, Michigan, on or about September 9, 2023, without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about July 7, 1996, PEROTE-MACLOUS was arrested by Border Patrol Agents at or near El Paso, Texas after running through a port of entry into the United States. During this arrest, he claimed his name was Giovanni VELASQUEZ-MARTINEZ and that he was from Honduras. He was issued a Notice to Appear (NTA) and was released into a foster care.
4. On or about July 19, 1996, PEROTE-MACLOUS was detained by Southern Pacific Railroad Police after he ran away from the assigned foster home residence. He was transferred back into immigration custody.
5. On or about November 21, 1996, PEROTE-MACLOUS was ordered removed by an Immigration Judge under the name Giovanni VELASQUEZ-MARTINEZ. On or about November 26, 1996, he was removed to Honduras through Houston, Texas.
6. On or about May 16, 1997, PEROTE-MACLOUS was arrested by Immigration and Customs Enforcement (ICE). He was issued an NTA under his real name of Patel PEROTE-MACLOUS.
7. On or about September 4, 1997, PEROTE-MACLOUS was ordered removed by an Immigration Judge. On or about October 20, 1997, he was removed back to Guatemala through Houston, Texas.

8. On or about May 10, 1998, PEROTE-MACLOUS was arrested by Border Patrol Agents at or near Laredo, Texas. He claimed his name was Amilcar FAJARDO-MARITNEZ. He was transferred to ICE custody. While in ICE custody, he was processed under the name of Giovanni VELASQUEZ-MARTINEZ claiming to be from Costa Rica. On or about December 2, 1998, the consulate of Costa Rica denied travel documents.
9. On or about June 21, 1999, PEROTE-MACLOUS was removed to Honduras through Houston, Texas under the name of Giovanni VELASQUEZ-MARTINEZ.
10. On or about September 9, 2023, PEROTE-MACLOUS was encountered by Border Patrol Agents at or near Detroit, Michigan after agents were alerted of an individual walking from Canada into the United States through the Michigan Central Railway Tunnel. The individual later identified as Patel PEROTE-MACLOUS was arrested by agents upon exiting the train tunnel on the United States side. At the time of the encounter, PEROTE-MACLOUS claimed his name was Geronimo USUMACINTA with a date of birth of June 17, 1997. He also stated that he was from Guatemala and was trying to return home. PEROTE-MACLOUS was transported to the Detroit Border Patrol Station for processing. His prior order of removal was reinstated.
11. Patel PEROTE-MACLOUS's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that PEROTE-MACLOUS is a citizen of Guatemala with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that PEROTE-MACLOUS legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
12. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
13. Review of the Alien File (A# xxx xxx 118 and A#xxx xxx 860) for Patel PEROTE-MACLOUS and queries in Department of Homeland Security

databases confirm no record exists of PEROTE-MACLOUS obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on June 21, 1999.

14. Based on the above information, I believe there is probable cause to conclude that Patel PEROTE-MACLOUS, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

Dated: September 25, 2023